

Examiner's Affidavit

I, James W. Myhre, do hereby affirm the following facts are based on personal experience. While working at a Radio Shack™ store in 1991 and 1992, I sold numerous cellular telephones (cell phones) to customers. The standard procedure used in the sale was once the customer had indicated his desire to purchase a specific cell phone and brought the item to the point of sale, I would cite the current price of the cell phone to the customer (e.g. \$250), and then inform the customer that by signing a service agreement with Sprint™ he could buy the cell phone at a discounted price (e.g. \$50). If the customer was interested, I would present a list of service plans offered by Sprint™ with their costs and the amount of discount each would bring on the current purchase of the cell phone. Once the customer had chosen a plan and completed the Sprint™ application form, I would fax the application to Sprint™. The application form included such information as the customer's name, address, telephone number, employer, financial data, etc., which Sprint™ would use to approve or disapprove the application. Normally within 5-10 minutes I would receive a telephonic response from Sprint™ with an approval number and activation number. I would then complete the transaction by charging the customer the discounted amount for the cell phone and activate the cell phone using the activation number received from Sprint™. Once the transaction was complete, Sprint™ would reimburse Radio Shack™ for the amount of the discount plus a processing fee.

December 22, 2003

Attested to:

Jawana A. Hawkins
Notary Public

12/22/03

My Commission Expires August 31, 2004

James W. Myhre
James W. Myhre
Primary Examiner
U. S. Patent & Trademark Office

